

Chapter 5-19

PRIVATE SECURITY SERVICE

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Section 5-19-01 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

APPLICANT:

The person making application for a license or the renewal of a license for:

1. Private patrol agent; or
2. Private patrol or private security service or system; or
3. Security alarm installer; or
4. Security alarm installation service.

EVENT SECURITY STAFF:

Any person employed for the purpose of maintaining peace and order at public events, including but not limited to screening for weapons, searching purses, bags and persons for prohibited items prior to entry into public events.

LICENSING OFFICER:

The City Clerk.

PERSON:

Any individual, firm, co-partnership, corporation, company, association or joint stock association.

PRIVATE PATROL SERVICE OR SYSTEM:

Any service or system which purports to furnish, or does furnish, for a consideration, or otherwise, any watchman or guard, either uniformed or otherwise, to patrol any district in the City, or to guard or watch any property.

PRIVATE PATROL AGENT:

Any person employed by the service or who performs individually the functions of a private patrol or private security service.

PRIVATE SECURITY SERVICES:

Any service or system which purports to furnish, or does furnish, for a consideration, or otherwise, any employee or agent employee or agent to protect any property by means other than physical observation of property.

SECURITY ALARM INSTALLATION SERVICE:

Any service or system which purports to furnish, or does furnish, for a consideration, or otherwise, any installation, servicing, or monitoring of any type of security, burglar, or fire, alarm protection system.

SECURITY ALARM INSTALLER:

Any person employed by the service or who performs individually the functions of a security alarm installation service.

(5374, Amended, 03/03/1992)

Section 5-19-02 LICENSES REQUIRED AND EXEMPTIONS:

- A. It shall be unlawful for any person to conduct, operate or maintain, or permit to be conducted, operated or maintained, or to participate in the conduct, operation, maintenance or monitoring of, a private patrol service, private security service or system, or security alarm installation service unless a valid license therefor has been issued as provided for in this Chapter and which is in full force and effect.
- B. It shall be unlawful for any person to act or to offer to act, as a private patrol agent; or as a security alarm installer, within the City unless a valid license therefor has been issued as provided for in this Chapter and which is in full force and effect.
- C. It shall be unlawful for any private patrol or security service to employ or hire the services of a private patrol agent, or for a security alarm installation service to employ or hire the services of a security alarm installer, until and unless said private patrol agent has been duly licensed as required by this Chapter.
- D. This Chapter shall not apply to or include regularly appointed police officers of Boise City or to any regularly appointed police officer or law enforcement agent of the United States and of this State, or any political subdivision thereof while acting as their agent.
- E. Any owner/operator of a validly licensed private patrol or security service or system may act as a private patrol agent for their private patrol or security service or system; or any owner/operator of a validly licensed security alarm installation service may act as a security alarm installer, without additional bond or fee and be issued a license accordingly.
- F. Event Security Staff shall be exempt from licensing and shall be criminal background checked by the company or agency which employs them to perform event security.

(Ord/23/14, Amended 06/17/2014; 5374, Amended, 03/03/1992)

Section 5-19-03 UNIFORMS AND EMBLEMS

- A. It shall be unlawful for any private patrol or security service, or for any private patrol agent, to use or authorize the use of:
1. Any uniform, clothing, uniform emblems or shoulder patches having a color, design and/or shape such as makes any of them individually, or some or all of them in the aggregate, appear indistinguishable from any uniform, uniform emblems and/or shoulder patches of the Boise City Police Department;
- B. Every private patrol or security service and every private patrol agent who performs individually the functions of a private patrol or security service, prior to being licensed under this Chapter, shall obtain approval and authorization of any color, design or shape of any uniform, clothing, uniform emblems, badges and/or shoulder patches, to be utilized by such licensee. Application for such approval shall be made to the Licensing Officer, approval and authorization, if any, shall be made by that Officer in writing, in accordance with guidelines issued by the Boise City Police Department. The written approval and authorization, shall be attached to the application for license required by Section 5-19-4 of this Chapter and shall describe the color, design and shape of the uniform, patches, badges and/or emblems, as the case may be.
- C. Every private patrol or security service, and every private patrol agent who individually performs the functions of a private patrol or security service, prior to being licensed under this Chapter, shall submit color photographs of a size no less than 3 1/2" by 3 1/2" inches depicting the following.
1. A full-figure view showing:
 - (a). The entire uniform, front-side facing without coat, as approved under Section 5-19-3B.
 - (b). The entire uniform, left-side facing without coat, as approved under Section 5-19-3B.
 2. If a coat or other outer garment is to be worn at any time:
 - (a). The entire uniform, front-side facing with coat or garment, as approved under Section 5-19-3B.
 - (b). The entire uniform, left-side facing with coat or garment, as approved under Section 5-19-3B.
 3. A close-up view of each and every badge, patch, or emblem to be worn by a private patrol agent, of sufficient clarity and detail to permit reading all wording on the badge, patch, or emblem from the photograph.
- These photographs shall be filed with the application in the office of the City Clerk, and shall be available to the Police Department upon request.
- D. Approval and authorization of uniform clothing, uniform emblems, badges, and/or patches shall be obtained from the Licensing Officer before the addition, deletion, or change of any previously approved and authorized item, or every three (3) years whichever comes first.
- E. Every Private patrol or Security Service, Licensed and Operating within the corporate city limits of Boise City as of March 1, 1992, shall be granted grandfather rights, in the use of only the uniform, patches, badge, and emblems approved for each company as of that date, and allowed until March 31, 1994, to meet the guidelines set forth by Boise City Police Department.

(5396, Amended, 05/19/1992)

Section 5-19-04 APPLICATION FOR LICENSE

An application for a license, whether for private patrol, security service or system, security alarm installation service, or private patrol agent, shall be made to the Licensing Officer. Applications for such licenses may be made by mail.

- A. At the time of filing an application, an application fee shall be paid to the City Clerk pursuant to fee schedule in Section 5-19-9.

(5374, Amended, 03/03/1992)

Section 5-19-05 QUALIFICATIONS

No person shall be issued a license who:

- A. Is not over eighteen (18) years of age.
- B. Has any outstanding warrants; been convicted, paid any fine, placed on probation, received a deferred sentence, received a withheld judgment, or completed any sentence of confinement for any felony or misdemeanor involving theft or dishonesty, within three (3) years prior to the date of making application.

(5396, Amended, 05/19/1992)

Section 5-19-06 INVESTIGATION

The Licensing Officer shall examine all applications filed under Section 4 of this Chapter and shall make, or cause to be made, such further investigation of the application and the applicant as it shall deem necessary.

(Ord-38-15, Amended, 8/25/2015; 6148, Amended, 04/30/2002; 5103, Amended, 08/09/1988)

Section 5-19-07 STANDARDS

The Licensing Officer shall approve the issuance of a license provided in Section 4 hereof whenever it shall find that the applicant has complied with the provisions of this Chapter and is otherwise qualified. A provisional license may be issued pending completion of the required investigation.

(5103, Amended, 08/09/1988)

Section 5-19-08 BOND AND INSURANCE REQUIRED

Before any license shall be issued to any applicant:

- A. The applicant shall be required to give a fiduciary bond running to the City of Boise City in the sum of:
 - 1. Private patrol, security service or security alarm installation service, ten thousand dollars (\$10,000.00).
 - 2. Private Patrol Agent or security alarm installer two thousand five hundred dollars (\$2,500.00).

- B. The applicant shall carry general and personal liability insurance for bodily injury, sickness, disease or death sustained by persons and arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with property and contract rights. Insurance coverage is required for all employees, representatives, and agents of the company including volunteers and independent contractors used in the company's operations. The minimum limits for such insurance shall be five hundred thousand dollars (\$500,000.00). Said policy shall be issued by an insurance carrier duly authorized to do business in the State of Idaho, and a certificate of insurance shall accompany each application, specifying as the certificate holder the City of Boise, P. O. Box 500, Boise, Idaho 83701.

(Ord-23-14, Amended, 06/17/2014; 5374, Amended, 03/03/1992)

Section 5-19-09 LICENSE FEES

The City License Officer shall collect before the acceptance of an application for a private patrol service, private security service, private patrol agent, security alarm installation service or security alarm installer the annual license fee in an amount established by the Boise City Council and listed on the most current City Clerk License Fee.

(6419, Amended, 09/20/2005; 5374, Amended, 03/03/1992)

Section 5-19-10 LICENSE; EXPIRATION

Licenses issued under the provisions of this Chapter shall expire as follows:

- A. Private Patrol Agents and Security Alarm Installers - one (1) year from the date of issuance.
- B. Private patrol service, security service, or security alarm installation service - March 31st of each year.

Any person holding a license under the provisions of this Chapter must renew such license for the following succeeding year by payment to the Clerk, the license fees required by this Chapter on or before the expiration date.

(5374, Amended, 03/03/1992)

Section 5-19-11 LICENSE; FORM

The license for a private agent shall be in the form of a card which shall contain the words "private patrol agent"; and shall also bear numerals designating the year in which such license is in force and effect.

Section 5-19-12 UNLAWFUL DISPLAY OF LICENSE

It shall be unlawful for any person to wear or display any license required or provided for by this Chapter unless such person is duly licensed therefor.

Section 5-19-13 LICENSES; AUTHORITY

The granting or issuance of any license under the provisions of this Chapter shall not be construed

in any manner as granting or providing any additional or further power of arrest than that granted under the provisions of the Statutes of the State, and the provisions of this Code, nor shall the provisions of this Chapter be construed in any manner as authority or power to carry weapons contract to the Statutes of the State.

(4937, Amended, 06/17/1986)

Section 5-19-14 SEVERANCE CLAUSE

The provisions of this Chapter are declared to be severable. If any section be found to be invalid, such finding shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the invalidity of any part.

(5374, Amended, 03/03/1992)

Section 5-19-15 PENALTIES

Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction and shall be assessed a fixed penalty of One Hundred Dollars (\$100.00) excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100) and for which no period of incarceration may be imposed. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury. A second and any subsequent conviction for a violation of the provisions of this chapter within five years shall constitute a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding three hundred dollars (\$300.00), or be imprisoned for a period not exceeding six (6) months, or be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(6191, Amended, 10/08/2002; 5371, Amended, 03/03/1992)